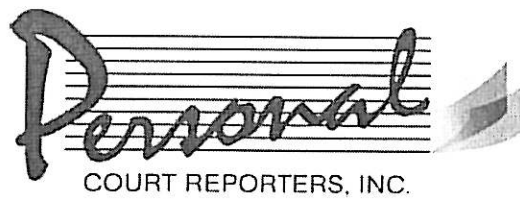


In the Matter of:
Elia Leon vs. Larry A. Payne

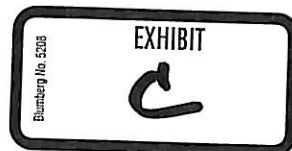
Federico Martinez-Leandro, Volume 1

11/08/2013

Job #: 24428



(818)988-1900



Page 34

11:23:39 1 Q. After you passed the car, you looked in your mirror
 11:23:51 2 and noticed that it was behind you a ways?
 11:23:58 3 A. Yes.
 11:23:58 4 Q. So you made a decision that it was a safe distance
 11:24:04 5 behind you and -- and you -- and you moved back into the right
 11:24:12 6 lane, true?
 11:24:15 7 MR. CUFF: Objection, form.
 11:24:19 8 THE WITNESS: Yes.
 11:24:20 9 BY MR. BARBER:
 11:24:30 10 Q. When you did that -- well, by that, I mean when you
 11:24:37 11 moved back into the right lane. Can you estimate how close you
 11:24:45 12 were to the truck?
 11:24:46 13 A. The one that I impacted?
 11:24:52 14 Q. Yes.
 11:24:54 15 A. I was far.
 11:25:05 16 Q. Okay. Even when you got back into the right lane,
 11:25:12 17 you still thought you were a far distance from that truck;
 11:25:18 18 true?
 11:25:18 19 MR. CUFF: Objection, form.
 11:25:22 20 THE WITNESS: Yes.
 11:25:23 21 BY MR. BARBER:
 11:25:26 22 Q. Was that truck still in the -- on the shoulder?
 11:25:34 23 MR. CUFF: Objection, form.
 11:25:36 24 THE WITNESS: Yes.
 11:25:37 25 ///

Page 35

11:25:37 1 BY MR. BARBER:
 11:25:44 2 Q. Do you know whether or not the truck left the
 11:25:49 3 shoulder? Did it pull out onto the highway?
 11:25:56 4 A. When I switched to the right lane once I noticed that
 11:26:13 5 the car was left behind, I saw that both lanes were empty, and
 11:26:21 6 I switched to the right. When I looked forward, the truck was
 11:26:29 7 already in front of me.
 11:26:31 8 Q. So when you looked forward, was it right in front of
 11:26:37 9 you?
 11:26:37 10 A. Almost.
 11:26:41 11 Q. Okay. So you were in the process of checking in your
 11:26:49 12 mirror to make sure you had room to get back into the right
 11:26:52 13 lane?
 11:26:52 14 A. Yes.
 11:26:59 15 Q. Okay. And after you did that, then you were -- you
 11:27:08 16 were -- you were very close to the truck; true?
 11:27:12 17 A. When I switched and when I looked ahead forward,
 11:27:23 18 that's when the truck was in front -- almost right there in
 11:27:27 19 front of me.
 11:27:27 20 Q. Okay. At any time did you see any emergency flashers
 11:27:34 21 on that truck ahead of you?
 11:27:35 22 A. No. I just saw red ones.
 11:27:46 23 Q. They were not flashing?
 11:27:49 24 A. No.
 11:27:51 25 Q. What do you remember about the crash itself?

Page 36

11:28:11 1 MR. CUFF: Objection, form. Form. Objection, form.
 11:28:18 2 THE WITNESS: Once I pulled the steering wheel?
 11:28:33 3 BY MR. BARBER:
 11:28:33 4 Q. Yes.
 11:28:35 5 A. I woke -- I woke up, and I moved. And I felt my
 11:28:47 6 whole body was hot, and I started looking around and
 11:28:55 7 everything. There was no door. There was no windshield. And
 11:29:06 8 I started touching my body. I touched my head because it hurt,
 11:29:10 9 and it was covered in blood. And I tried to get up, but I was
 11:29:24 10 unable to because I was hurt, right here. I had hurt my back,
 11:29:27 11 here. And also, I had the seatbelt on.
 11:29:39 12 And I started asking, like, two people that were down
 11:29:45 13 there. I asked them in Spanish and English where was Martin,
 11:30:17 14 and they didn't answer. And so I -- I got off. I took my
 11:30:31 15 seatbelt off, and I got off. And they held on to me at the
 11:30:38 16 steps. And I asked them again where my partner was. And they
 11:31:07 17 told me to sit down, to just stay seated.
 11:31:14 18 I asked them again, "Where is Martin?" "Where is
 11:31:19 19 Martin Leon?" I asked them in English and in Spanish. And
 11:31:32 20 they said, "Just stay there and be calm." And they asked me if
 11:31:47 21 I knew the time, if I knew the date, if I knew the year. And I
 11:31:56 22 told them the date and everything that they asked. And I asked
 11:32:05 23 again about my partner.
 11:32:15 24 And then from afar, I heard a voice that said to me,
 11:32:20 25 "I'm sorry, man, your friend has passed away." I don't

Page 37

11:32:31 1 remember anything else.
 11:32:33 2 BY MR. BARBER:
 11:32:33 3 Q. Do you know who you were talking to? Were they
 11:32:38 4 police officers or medical people?
 11:32:42 5 A. No.
 11:32:46 6 Q. Did you ever meet the driver of the other truck?
 11:32:50 7 A. No.
 11:32:57 8 Q. Did he -- either of the drivers in the other truck
 11:33:03 9 ever come and talk to you?
 11:33:04 10 A. I don't remember who I spoke with. I don't remember
 11:33:15 11 who it was.
 11:33:16 12 Q. Before the crash, what speed were you driving?
 11:33:29 13 A. The truck was governed, so that's at around 70.
 11:33:41 14 Q. This happened about 11:00 o'clock at night; true?
 11:33:52 15 A. Between 11:00 and midnight but Albuquerque, New
 11:34:07 16 Mexico time.
 11:34:07 17 Q. Yes. When -- was the road clear?
 11:34:16 18 A. Yes.
 11:34:17 19 Q. By that, I mean, there was no snow or rain or
 11:34:25 20 anything?
 11:34:26 21 A. No, there wasn't.
 11:34:27 22 Q. And the highway at that place, was it straight?
 11:34:37 23 A. Yes.
 11:34:38 24 Q. Were there any hills that you remember?
 11:34:42 25 A. No.